

APPROVED/ 3/8/07
VIRGINIA BOARD OF PHARMACY
MINUTES OF SPECIAL CONFERENCE COMMITTEE
INFORMAL CONFERENCE COMMITTEE

Thursday, February 15, 2007
Fifth Floor
Conference Room 4

Department of Health Professions
6603 West Broad Street
Richmond, Virginia 23230

CALL TO ORDER: A meeting of a Special Conference Committee of the Board of Pharmacy was called to order at 9:00 a.m.

PRESIDING: Leo Ross, Committee Chairman

MEMBERS PRESENT: David C. Kozera
Brandon K. Yi

STAFF PRESENT: Cathy M. Reiniers-Day, Deputy Executive Director
Mykl D. Egan, DHP Adjudication Specialist

CYNTHIA WILLIS
License #0202-205571

Cynthia Willis appeared with Linda Kleiner, HPIP Case Manager, to discuss her compliance with the terms and conditions of her February 13, 2002, Order and to discuss allegations that she may have violated certain laws and regulations governing the practice of pharmacy as stated in the February 15, 2007, Amended Notice.

Susan A. Beasecker, Compliance Case Manager, was also present as staff for this conference.

Closed Meeting: Mr. Kozera moved, and the Committee voted 3-0 in favor of the motion, to convene a closed meeting pursuant to §2.2-3711.A.28 of the Code of Virginia for the purpose of consideration and discussion of medical/mental health records of Cynthia Willis that are excluded from the Freedom of Information Act by Virginia Code Section § 2.2-3705.A.5. Additionally he moved that Cathy Reiniers-Day, Mykl Egan, Susan Beasecker and Linda Kleiner attend the closed meeting.

Reconvene: Mr. Kozera moved, and the Committee voted 3-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Closed Meeting: Mr. Kozera moved, and the Committee voted 3-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Cynthia Willis.

Additionally, he moved that Cathy Reiniers-Day, Mykle Egan and Susan Beasecker attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Kozera moved, and the Committee voted 3-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Kozera moved, and the Committee voted 3-0 in favor of the motion, that the Committee make the findings of fact, conclusions of law and sanctions as stated in Attachment 1.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Ms. Willis unless a written request to the Board for a formal hearing on the allegations made against him is received from Ms. Willis within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

MAI TRAN
License #0202-013011

Mai Tran appeared with Ryan Logan, CVS/pharmacy Supervisor, to discuss allegations that she may have violated certain laws and regulations governing the practice of pharmacy as stated in the November 9, 2006 Notice.

Closed Meeting:

Mr. Kozera moved, and the Committee voted 3-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Mai Tran. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Kozera moved, and the Committee voted 3-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning

the allegations, Mr. Kozera moved, and the Committee voted 3-0 in favor of the motion, to close this case as undetermined.

JAMES MITCHELL
License #0202-006713

James Mitchell appeared with Stephen Forbes, his attorney, to discuss allegations that he may have violated certain laws and regulations governing the practice of pharmacy as stated in the November 16, 2006 Notice

Closed Session:

Mr. Kozera moved, and the Committee voted 3-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of James Mitchell. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Kozera moved, and the Committee voted 3-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Kozera moved, and the Committee voted 3-0 in favor of the motion, to close this case with no violations.

ADJOURN:

With all business concluded, the meeting adjourned at 5:45 p.m.

Cathy M. Reiniers-Day
Deputy Executive Director

Leo H. Ross, Chair

Date

Cynthia Willis

Findings of Fact and Conclusions of Law:

- Cynthia M. Willis holds license number 0202-205571 issued by the Board to practice pharmacy in the Commonwealth of Virginia.
- On February 13, 2002, Ms. Willis was placed under terms and condition set forth by an Order of the Board of Pharmacy ("Order") based on her application for licensure in the Commonwealth and actions taken against her license to practice pharmacy in Louisiana by the Louisiana Board of Pharmacy.
- On or about October 29, 2004, during the course of Ms. Willis' employment as a relief pharmacist at Rite Aid #4841, Staunton, Virginia, she violated § 54.1-3316(1) and (7), § 54.1-3320(A)(6), and § 54.1-3462(1) of the Code and 18 VAC 110-20-270(C) of the Board of Pharmacy Regulations ("Regulations") in that she dispensed Rx #148706 with Fluoxetine 40mg (Prozac) instead of the prescribed Furosemide 40mg (Lasix). Further, the bottle was mislabeled as containing Furosemide 40mg.
- Ms. Willis is in violation of § 54.1-3316(3) and (4) of the Code in that she may be incompetent and/or unsafe to practice pharmacy due to substance abuse and mental health diagnoses that require medication and other treatment, and for which she was hospitalized in 2006. Ms. Willis stated to an investigator with the Department of Health Professions ("Investigator") in an interview dated November 8, 2006, that she is currently attending an aftercare program for her diagnoses.
- Ms. Willis violated Terms 1 and 3 of the Board's Order in that she was to ensure that performance evaluations were sent on a quarterly basis to the Board while she was employed as a pharmacist. The reports were to be sent for two years for full-time employment and three years for part-time employment as a pharmacist. By letter dated August 23, 2003, Ms. Willis stated that she would be working as a "Pharmacy Development Manager" and would no longer be practicing pharmacy. By letter received December 2, 2003, Ms. Willis stated that due to a family illness, she would not be working and that she would contact the Board when she returned to work. From October 2004 until June 2006, Ms. Willis was employed a pharmacist in Virginia for Rite Aid Pharmacy and in December 2006, she began employment as a pharmacist with Rite Aid Pharmacy in Louisiana. Ms. Willis did not notify the Board that she had begun work, nor did she arrange to have performance evaluations sent to the Board.
- Ms. Willis violated Term 2 of the Order in that she was required to provide a copy of the Order to the Pharmacist in Charge ("PIC") of the pharmacy where she was employed, or to her immediate supervisor if she was the PIC. Further, she was to provide written notice to the Board that she had informed the necessary parties and she failed to do so.
- On June 6, 2006, Ms. Willis entered into a Participation Contract with HPIP. On January 17, 2007, she entered into a Recovery Monitoring Contract for Secondary Monitoring ("RMC") with HPIP, which has an expected completion date of October 30, 2011. Ms. Willis' primary monitor is the Louisiana Board of Pharmacy.

Sanction

- Ms. Willis shall complete four (4) continuing pharmacy education hours in the subject of prescription errors between February 28, 2007, and April 28, 2007, with original certificates of satisfactory completion submitted to the Board by May 28, 2007. These hours shall be in addition to the fifteen (15) continuing pharmacy education hours required for the renewal of her license. FURTHER, the Board ORDERS that Ms. Willis be placed on PROBATION under the following terms and conditions:

- The period of probation shall begin on the date that this Order is final and shall continue INDEFINITELY. Ms. Willis may petition the Board to end her probation after not less than two years.

- All reports required by this Order shall be submitted in writing to the Board office with the first report being received no later than 30 days from the date that this Order is final. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. Ms. Willis is responsible for ensuring that required reports are properly submitted and received by the Board in a timely manner.

- Ms. Willis shall continue to comply with all terms and conditions of the HPIP RMC for the period specified in the RMC.

- Ms. Willis shall direct HPIP to provide quarterly status reports to the Board as set forth in Term 2.

- Ms. Willis shall submit quarterly self-reports to the Board that must include her current address and current employment, if any.

- Ms. Willis shall maintain a course of conduct commensurate with the requirements of Chapters 33 and 34, Title 54.1 of the Code. Any violation of these terms of probation or of any law or regulation affecting the practice of pharmacy in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of her license and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.